

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

MICHAEL MCGRATH, et al.,

Plaintiffs,

v.

DUNECREST CONDOMINIUM
ASSOCIATION, et al.,

Defendants.

Case No. 3:20-CV-656 JD

OPINION AND ORDER

On August 5, 2022, Plaintiffs file their third amended complaint. (DE 50.) This third amended complaint brings additional causes of action and names new defendants. (*Id.*) Prior to filing the third amended complaint, one of the Defendants, Dunecrest Condominium Association, moved for summary judgment. (DE 42.) Given the filing of the third amended complaint and that it contains new counts against the Dunecrest Condominium Association, the Court finds that the prior motion for summary judgment is moot. Such an approach is preferable to allowing the Dunecrest Condominium Association to file a second motion for summary judgment directed at the newly added claims, since that would result in a “piecemeal approach.” *Keisler v. Encore Receivable Mgmt., Inc.*, No. 1:06-CV-912-JDT-WTL, 2007 WL 9752008, at *1 (S.D. Ind. Aug. 16, 2007) (“While Defendant could be given an opportunity to file a second motion for summary judgment directed at the newly added claims, this would lead to a piecemeal approach, which is disfavored.”); *Malicki v. Leman USA, Inc.*, No. 17-CV-1674, 2018 WL 5650019, at *4 (E.D. Wis. Oct. 31, 2018) (“Furthermore, because Malicki will be allowed to amend the complaint, the defendant’s motion for summary judgment based on the original complaint will be dismissed as moot.”).

Accordingly, Defendant Dunecrest Condominium Association's motion for summary judgment is DENIED AS MOOT. (DE 42.)

SO ORDERED.

ENTERED: September 27, 2022

/s/ JON E. DEGUILIO
Chief Judge
United States District Court